

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

MONTANA MERCHANDISING, INC.,  
d/b/a MONTANA MILLING, INC.,  
HINEBAUCH GRAIN, INC.,  
OCC-O'CONNOR CROPS AND CATTLE,  
LLC, CLIFFORD MERRIMAN AND  
ANNA MERRIMAN, d/b/a 4-M FARMS,  
and GOLDEN ORGANIC WHEAT FARMS,  
INC.,

Plaintiffs,

v.

DAVE'S KILLER BREAD, INC., GLENN  
DAHL, Individually and as Trustee of  
Glenn Dahl Family Trust, DAVID J. DAHL,  
Individually and as Trustee of the David  
Dahl Family Trust, SHOBI L. DAHL,  
Individually and as Trustee of the Shobi L.  
Dahl Family Trust, FLOWERS FOODS,  
INC., FLOWERS BAKERIES, LLC,  
GOODE PARTNERS, LLC, AVB, INC.  
GOODE SEED HOLDINGS, LLC, GOODE  
SEED CO-INVEST, LLC, AND JOHN DOE  
I, II, III AND IV, which Include any other  
entities or persons affiliated with Goode  
Partners, LLC, who were involved in the  
partnership with any of the other Defendants,  
or involved with the sale of Dave's Killer  
Bread, Inc.

Defendants.

CV-17-26-GF-BMM

ORDER

The Court hereby dismisses with prejudice the claims of Montana  
Merchandising, Inc., d/b/a Montana Milling, Inc. ("MMI"); Hinebauch Grain, Inc.;  
OCC-O'Connor Crops and Cattle, LLC; Clifford Merriman and Anna Merriman,

d/b/a 4-M Farms; and Golden Organic Wheat Farms, Inc., (including but not limited to any claim for attorney's fees and costs) against Defendants Dave's Killer Bread, Inc.; Flowers Foods, Inc.; Flowers Bakeries, LLC; and AVB, Inc. (collectively, "DKB Defendants"); and Defendants Glenn Dahl, individually and as Trustee of Glenn Dahl Family Trust; David J. Dahl, individually and as Trustee of the David Dahl Family Trust; Shobi L. Dahl, individually and as Trustee of the Shobi Dahl Family Trust; Goode Partners, LLC; Goode Seed Holdings, LLC; and Goode Seed Co-Invest, LLC. (collectively with DKB Defendants, "Defendants") and DKB Defendants' counterclaims (including but not limited to any claim for attorney's fees and costs) against MMI, in the above-captioned action pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

DATED this 12<sup>th</sup> day of December, 2017.



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Brian Morris  
United States District Court Judge